

JAN 17 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Patent Application of:

Applicant: Ray R. Eshraghi et al.

Application No.: 10/767,107

Date Filed: January 28, 2004

Title: HYDROGEN STORAGE
SYSTEMS AND FUEL CELL
SYSTEMS WITH HDYROGEN
STORAGE CAPACITY

Docket No.: 4172-121

Examiner: Chuo, Tony S.H.

Art Unit: 1746

Confirm. No.: 4423

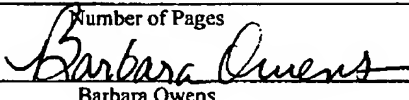
Customer No.: **23448**FACSIMILE TRANSMISSION CERTIFICATEATTN: Examiner Tony S.H. CHUO

Fax No. (571) 273-8300

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34

Number of Pages



Barbara Owens

January 17, 2007

Date

**DOCUMENTATION OF JANUARY 17, 2007 TELECONFERENCE WITH EXAMINER
TONY CHUO CONCERNING SEPTEMBER 5, 2006 NOTICE OF NON-COMPLIANT
AMENDMENT; SUPPLEMENTAL RESPONSE TO SAID NOTICE, WITH RENEWED
DEMAND FOR U.S.P.T.O. RESCISSION OF SUCH NOTICE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This documents a January 17, 2007 teleconference with Examiner Tony Chuo concerning the status of this application. On September 5, 2006 a Notice of Non-Compliant Amendment was issued by the U.S.P.T.O., characterizing applicant's Amendment filed August 28, 2006 in response to the May 26, 2006 Office Action as being non-compliant in character.

On September 10, 2006, a Notice to the September 5, 2006 Notice of Non-Compliant Amendment was submitted, in which it was pointed out that the Notice of Non-Compliant Amendment had been issued in error, at odds with the proper requirements of 37 C.F.R. 1.121 and MPEP 714.

The Legal Instruments Examiner therefore was in error, and it was demanded that the September 5, 2006 Notice be rescinded in favor of consideration on the merits of the prior response. For the sake of good order, a "true and exact" copy of such September 10, 2006 demand for rescission is enclosed.

It was stated to Examiner Chuo on January 17, 2007 that despite the error of the U.S.P.T.O., which appears not to have been resolved insofar as Examiner Chuo was concerned, a supplemental response would be filed, in which withdrawn claims 31-34, 36, 41 and 44 were specified in status identifiers as "(Withdrawn-Currently Amended)." This is an alternative optional status identifier, since it is fully proper under the applicable rules and MPEP provisions to amend a withdrawn claim that is identified only with the status identifier "(Withdrawn)."

Accordingly, please amend the specification as set out in **Section I (Amendments to the Specification)** beginning on the following page.

Please amend the claims as set out in **Section II (Amendments to the Claims)** beginning on page 6 hereof.

Remarks concerning such amendments are set out in **Section III (Remarks)** beginning on page 13 hereof.